*****

In the High Court of Punjab & Haryana at Chandigarh.

Date of decision : 11.9.2006.

Kaithal Printing Press .... Petitioner.

vs

Ravinder Mohan ... Respondent.

Coram Hon'ble Ms. Justice Kiran Anand Lall.

Present: Mr.Rajinder Goyal,Advocate,for the petitioner.

Kiran Anand Lall, J.

In an ejectment petition filed against the petitioner on the ground of bonafide personal necessity, the Rent Controller has allowed the respondent (landlord) to amend his petition so as to incorporate therein the subsequent event of hiring of two shops by him and the fact that he is not occupying any other such building in the concerned urban area nor he has vacated any such building in that area. The petitioner has impugned that order, in this revision.

In so far as the first part of amendment is concerned, the alleged subsequent even took place during the pendency of the ejectment petition. The respondent had to hire the shops as he was in dire need thereof. As such, no fault can be found with this part of the amendment. In fact, ultimately, learned counsel was also fair enough not to contest this amendment.

As mentioned in para no.2 of the order of the Rent Controller, occasion for making second part of the amendment appears to have arisen due to an inadvertent mistake, as under the provisions of the Haryana Urban (Control of Rent & Eviction) Act, 1973, it is essential for a landlord to plead

*****

that he is not occupying any other such building in the urban area concerned and has also not vacated any such building, without sufficient cause after the commencement of 1949 Act in the urban area in question. The question as to whether such an averment made by a landlord is factually correct or not is, of course, a question to be determined later on, on the basis of evidence to be led by the parties.

In so far as the question of delay likely to be caused in the disposal of the ejectment petition as a result of the amendment is concerned, the petitioner is a tenant in the shop, and is, therefore, not likely to suffer, on any count, due to that. The Rent Controller has, even otherwise, compensated him by imposing Rs.900/- as costs on the respondent, while allowing amendment.

No ground for interference.

Dismissed.

11.9.2006. (Kiran Anand Lall)
vs. Judge.